

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

STEVEN MATZA,

Plaintiff,

v.

COUNTRYWIDE HOME LOANS,
INC., et al.,

Defendants.

2:09-CV-217 JCM (CWH)

ORDER

Presently before the court is *pro se* plaintiff Steven Matza's motion for leave to amend. (Doc. #40). Plaintiff attached a proposed first amended complaint to his motion. (Doc. #40, Ex. A). Defendants Countrywide Home Loans, Inc., et. al. failed to file an opposition.

The property at issue in this case is located at 9948 Central Valley Ave., Las Vegas, Nevada. (Doc. #1). Plaintiff originally filed this case on February 3, 2009. (Doc. #1). The court dismissed the complaint on April 28, 2009. (Doc. #17). Plaintiff appealed the court's order to the Ninth Circuit. (Doc. #19).

On June 21, 2011, the Ninth Circuit reversed and remanded. (Doc. #24). The Ninth Circuit held that the court erroneously dismissed plaintiff's TILA claim on timeliness grounds. (Doc. #24). The Ninth Circuit further found that the court abused its discretion by dismissing the complaint without granting leave to amend. (Doc. #24). Thus, the Ninth Circuit instructed this court, on remand, to "give Matza an opportunity to amend the complaint, including an opportunity to state an alternative theory for recovery." (Doc. #24, internal citations and quotations omitted).

1 Pursuant to Federal Rule of Civil Procedure 15(a), leave to amend “shall be freely given
2 when justice so requires.” Absent a showing of an “apparent reason” such as undue delay, bad faith,
3 dilatory motive, prejudice to the defendants, futility of the amendments, or repeated failure to cure
4 deficiencies in the complaint by prior amendment, it is an abuse of discretion for a district court to
5 refuse to grant leave to amend a complaint. *Moore v. Kayport Package Express, Inc.*, 885 F.2d 531,
6 538 (9th Cir. 1989).

7 The local rules of federal practice in the District of Nevada require that the plaintiff submit
8 a proposed amended complaint along with the motion to amend. LR 15-1(a). Finally, Local Rule
9 7-2(d) provides that the “failure of an opposing party to file points and authorities in response to any
10 motion shall constitute a consent to the granting of the motion.” LR 7-2(d).

11 Accordingly,

12 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that *pro se* plaintiff Steven
13 Matza’s motion for leave to amend (doc. #40) be, and the same hereby is, GRANTED.

14 IT IS FURTHER ORDERED that plaintiff file his first amended complaint with the clerk of
15 court on or before March 30, 2012. Failure to file the first amended complaint on or before this
16 deadline may result in sanctions, including dismissal of the above-captioned case.

17 DATED March 23, 2012.

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20 **UNITED STATES DISTRICT JUDGE**